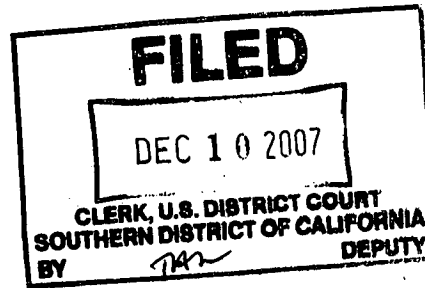


USA



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Filiberto CORVERA-Mendez

Defendant

Mag. Case No.

'07 MJ 8972

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1324(a)(1)(A)(ii)
Illegal Transportation of Aliens

The undersigned complainant, being duly sworn, states:

On or about December 9, 2007, within the Southern District of California, defendant Filiberto CORVERA-Mendez, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Irian BAUTISTA-Colorado, Rolando MARQUEZ-Juarez and Juan Carlos HERNANDEZ-Hernandez had come to, entered or remained in the United States in violation of law, did transport or move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

Marco A. Miranda
Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 9th DAY OF
DECEMBER 2007.

Peter C. Lewis
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Filiberto CORVERA-Mendez

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon statements in the investigative
6 reports by the apprehending U.S. Border Patrol Agent C. Diaz that on December 9, 2007,
7 Filiberto CORVERA-Mendez, a native and citizen of Mexico was apprehended near Calexico,
8 California, along with (7) seven other undocumented aliens from Mexico, in violation of law.

9 On December 9, 2007, at approximately 5:00 A.M. the Calexico, California U.S. Border
10 Patrol Station's Remote Video Surveillance System (RVSS) Operator observed two vehicles
11 cross the international Boundary approximately thirty-two miles to the east of Calexico
12 California. The RVSS Operator observed the two vehicles approach the south side of Interstate 8
13 where eight individuals hid in some brush south of the interstate. The RVSS Operator observed
14 a four door sedan stop on the side of the interstate near the hiding individuals and the RVSS
15 Operator saw the driver of the sedan leave the vehicle and run south to board one of the two
16 waiting vehicles which return south to Mexico. The RVSS operator saw the eight individuals
17 run to and board the sedan. The RVSS Operator reported to agents in the area that the sedan
18 made a U-turn on Interstate 8 and was traveling westbound on the interstate.

19 Agents J. Duran and Diaz were in the area and located the sedan traveling westbound on
20 the interstate. Agent Duran performed a registration check of the California License plate on the
21 vehicle, 3WZX270. The plate on the vehicle came back listed to a Ford and the vehicle Agent
22 Duran was following was an Oldsmobile. Using the emergency lights and sirens on their Border
23 Patrol Vehicles, Agents Duran and Diaz attempted to perform a vehicle stop on the sedan. The
24 sedan failed to yield to agents. A Controlled Tire Deflation Device was successfully deployed
25 against the sedan.

26 After the vehicle finally stopped, Agent Diaz was able to pull up to the drivers side door
27 and saw the driver, later identified as Filiberto CORVERA-Mendez. Agent Diaz was able to
28 describe CORVERA as a Hispanic male wearing a gray hooded sweatshirt, still seated in the
29

1 driver's seat. As CORVERA was exiting the sedan in an attempt to abscond, Agent Diaz was
2 able to further see CORVERA is stocky, wearing grey pants and has a mustache.

3 After a short foot pursuit Agents were able to apprehend CORVERA and seven others.
4 The Agents identified themselves and questioned CORVERA and the others. It was determined
5 they are all natives and citizens of Mexico illegally in the United States.

6 CORVERA was advised of his rights per Miranda. CORVERA stated he understood his
7 rights and was willing to answer questions without the presence of an attorney. CORVERA
8 stated he illegally crossed into the United States in a truck. CORVERA stated he made
9 arrangements with an unknown individual in Mexico to drive the vehicle and pay a smuggling
10 fee of \$1,000.00. CORVERA stated he got behind the wheel of a white car and drove it after
11 crossing the border. CORVERA stated he was given a radio by the smugglers and they were
12 giving him directions where to go. CORVERA stated someone in the car told him the Border
13 Patrol was behind them and their lights and sirens were on. CORVERA stated the smugglers
14 told him not to stop. CORVERA stated he drove for approximately ten minutes before he
15 stopped. CORVERA stated he told everyone to run.

16 Material Witnesses Irian BAUTISTA-Colorado, Rolando MARQUEZ-Juarez and Juan
17 Carlos HERNANDEZ-Hernandez all stated they are natives and citizens of Mexico illegally in the
18 United States. BAUTISTA, MARQUEZ and HERNANDEZ stated arrangements were made in
19 Mexico for them to be smuggled illegally into the United States. BAUTISTA stated he was to pay
20 \$1,500.00 to be smuggled. MARQUEZ stated he was to pay \$2,000 to be smuggled.

21 HERNANDEZ stated he was told them to lay down because Border Patrol was behind
22 them. HERNANDEZ stated the driver was saying that the Border Patrol caught them.
23 HERNANDEZ stated the driver was trying to go faster.

24 The complainant states that the names of the Material Witnesses are as follows:

<u>NAME</u>	<u>PLACE OF BIRTH</u>
Irian BAUTISTA-Colorado	Mexico
Rolando MARQUEZ-Juarez	Mexico
Juan Carlos HERNANDEZ-Hernandez	Mexico

1 Further, complainant states that Irian BAUTISTA-Colorado, Rolando MARQUEZ-Juarez
2 and Juan Carlos HERNANDEZ-Hernandez are citizens of a country other than the United States;
3 that said aliens have admitted that they are deportable; that their testimony is material, that it is
4 impracticable to secure their attendance at the trial by subpoena; and they are material witnesses
5 in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18,
6 United States Code, Section 3144.
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